

IN THE DRAWINGS:

Please amend Figure 2 as shown in the attached replacement sheet.

REMARKS

Claims 1-3, 5 and 6 are pending. By this Amendment, claims 4 and 7-10 are cancelled without prejudice or disclaimer and Figure 2, the specification, and claim 1 are amended. Reconsideration and allowance in view of the above amendments and following remarks are respectfully requested.

Applicants appreciate the consideration of the Information Disclosure Statement filed June 28, 2004. It is respectfully noted that the article by Snyder et al. was not initialed on the PTO-1449 returned with the Office Action. Attached hereto is a PTO-1449 listing the article by Snyder et al. It is respectfully requested that the article be considered, the PTO-1449 initialed, signed and dated, and returned with the next Office Action.

The drawings were objected to. Figure 2 has been amended to obviate the objection.

Claim 4 was objected to. The subject matter of claim 4 has been incorporated into claim 1 and claim 1 has been further amended to obviate the objection.

Claims 1-6 were rejected under 35 U.S.C. §103(a) over Al-Sioufi (U.S. Patent 4,938,758) in view of Kwon et al. (U.S. Patent 6,340,770). The rejection is respectfully traversed.

MPEP § 2143 states: To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art

reference (or references when combined) must teach or suggest all the claim limitations.

It is respectfully submitted that the combination of Al-Sioufi and Kwon et al. fails to present a prima facie case of obviousness because there is no suggestion, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. It is also respectfully submitted that even if such teaching, suggestion, or motivation existed, the combination would fail to include all the features of claim 1.

As disclosed, for example, on page 14, lines 5-16 of the instant application, platinum compounds previously known as anticancer agents are used in the claimed invention to inactivate a pathogenic microorganism(s) in blood for use in transfusions. As further disclosed, for example, on page 18, lines 4-7 and 21 through page 19, line 22 of the instant application, as the platinum compounds are toxic and used in much higher concentrations for blood preparations than in anticancer agents, a neutralizing agent is added to the blood preparations containing the platinum compound to alleviate the toxicity of the platinum compound.

The Office Action on page 4, paragraph number 8, states that Al-Sioufi discloses that the bag 3 is capable of holding an inactivator that inactivates a microorganism in the blood and the tube 11 is capable of introducing a neutralizing agent 12 that is capable of neutralizing the inactivator. Applicants respectfully disagree.

Al-Sioufi discloses that the container 10 includes a neutralizing agent 12 for pathogens, such as HTLV-III. See column 7, lines 8-9. In other words, the neutralizing agent 12 of Al-Sioufi is similar to the inactivator of claim 1 of the instant

application as it . However, Al-Sioufi does not disclose or suggest a neutralizing agent for neutralizing the neutralizing agent 12. Al-Sioufi merely disclose in column 6, lines 45-52, that To avoid the toxicity, if any, of the neutralizing agent, one or more washing step(s) may be needed to wash out and dilute the neutralizing agents. Since randomly transfused patients (the majority of patients) need a limited number of blood component units, the total exposure of the patient to any of the mentioned neutralizing agent is far below its toxicity level. Therefore, Al-Sioufi does not disclose or suggest anything regarding neutralizing the toxicity of the neutralizing agent 12 (i.e. the inactivator).

Kwon et al. disclose a platinum (IV) complex used as an anti-cancer agent. See column 1, lines 8-9. See, also, column 3, lines 28-29; column 25, lines 11-13; and column 34, line 40. Kwon et al. disclose that cisplatin, a platinum compound, binds to DNA of both normal and cancer cells and hinders the growth of cancer cells more than normal cells, thus acting as an anticancer agent. See column 1, lines 56-60 of Kwon et al. There is no teaching, suggestion, or motivation by Kwon et al. of the use of cisplatin, or any platinum compounds, capable of binding to nucleic acid of a pathogenic microorganism to inactivate the pathogenic microorganism. One of ordinary skill in the art would not have combined Kwon et al.'s anticancer agent with Al-Sioufi's anti-pathogenic blood collection system.

Moreover, as discussed above, claim 1 recites a neutralizing agent to neutralize the inactivator containing the platinum compound. As also discussed above, the neutralizing agent neutralizes the inactivator to reduce the toxicity of the inactivator. Neither Al-Sioufi nor Kwon et al. disclose or suggest this feature.

Therefore, even if the references were combined, the combination would not include all the features of claim 1.

Claims 2, 3, 5 and 6 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) over Al-Sioufi and Kwon et al. are respectfully requested.

In view of the above amendments and remarks, it is respectfully submitted that all of the claims are allowable and the entire application is in condition for allowance.


Should the Examiner believe that anything further is necessary to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Date: March 5, 2007

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Attachment:
Replacement Sheet (Figure 2)
PTO-1449